

tem is going to be uniform throughout the State and if that is in fact the lowest court on the level from the standpoint of jurisdiction, then certainly they are going to start with the very smallest cases and work up. Quite frankly, we do not think this can happen and we do not think the legislature would do this even if they could.

THE CHAIRMAN: Delegate Bradshaw.

DELEGATE BRADSHAW: One further question.

I note that you say in your proposed change that you would provide such other courts as may be provided by law. How would you propose that those judges be appointed?

DELEGATE JOHNSON: Frankly, we cannot answer that because we have not arrived at how the judges are going to be appointed under this constitution.

Delegate Bradshaw, I would say when the Committee of the Whole or Convention decides that, I can better answer your question.

THE CHAIRMAN: Delegate Bradshaw.

DELEGATE BRADSHAW: Can you tell us what you are proposing in that respect?

DELEGATE JOHNSON: The minority report is very clear on how we propose that other courts in the united judicial court system would be established, and I would say to that that under our proposal all the judges would be established the same way as they would be established under the majority report proposal, if in fact their proposal is adopted by this body.

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: Under your proposal would you suggest that the legislature had the authority to continue the orphans' court in its present form?

DELEGATE JOHNSON: No.

THE CHAIRMAN: Any other questions?

DELEGATE JOHNSON: Reluctantly, Delegate Henderson, but no.

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: You say that they could prescribe by law, could not the legislature prescribe them as additional courts?

DELEGATE JOHNSON: I guess there is a possibility, Delegate Henderson, they could but as you know, they would have to

do so throughout the entire State. I think it is very unlikely that the legislature is going to establish a uniform orphans' court system throughout the entire State.

DELEGATE HENDERSON: They have it throughout the State now?

DELEGATE JOHNSON: Yes.

DELEGATE HENDERSON: Why could they not?

DELEGATE JOHNSON: I do not believe they would because of the commentary by this body.

DELEGATE HENDERSON: You admit they could?

DELEGATE JOHNSON: I believe it is possible.

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: Under the present Constitution is there any provision for establishment of such other courts as provided by law?

DELEGATE JOHNSON: I believe, you can correct me on this, that our present Constitution provides for many varied courts and it spells out the number and nature of courts in detail. It is my understanding our present Constitution does not specifically provide for other courts. However, it is interesting to know when a constitutional amendment was made for the creation of the intermediate appellate court that that constitutional amendment carried with the power to the legislature to create other intermediate appellate courts or similar intermediate appellate courts, I believe. I do not have the wording in front of me, but I believe that is the case.

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: We provide this judicial article for judicial structure which includes selection, tenure, and removal of judges. If we are to establish other courts legislatively, would they in any way be subject to the possibility of removal as required, hopefully, by the judicial article which we will adopt? Will they also be subjected to the selection process or will it be possible to establish an extra judiciary somewhat isolated from this structure we establish in the constitution?

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: I believe any new judgeship that may or may not be created by any new court would fall right into line with the judicial article with re-